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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D 2005 64284

SCOTT JEFFREY BROWN
22132 Graystone Court
Palo Cedro, California 96073

A C C U S A T I O N

Physical Therapist License No. PT 18444

Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California, State of California.
2. On or about September 18, 1992, the Physical Therapy Board of California issued Physical Therapist License No. PT 18444 to Scott Jeffrey Brown (Respondent). The license was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2008, unless renewed.

JURISDICTION

3. This Accusation is brought before the Physical Therapy Board of California (Physical Therapy Board) for the Department of Consumer Affairs, State of

1 California, under the authority of the following laws. All section references are to the Business
2 and Professions Code unless otherwise indicated.

3 4. Section 2609 of the Code states:

4 “The board shall issue, suspend, and revoke licenses and approvals to practice
5 physical therapy as provided in this chapter.”

6 5. Section 2660 of the Code states:

7 “The board may, after the conduct of appropriate proceedings under the
8 Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose
9 probationary conditions upon any license, certificate, or approval issued under this chapter for
10 unprofessional conduct that includes, but is not limited to, one or any combination of the
11 following causes:

12 * * *

13 “(l) The commission of any fraudulent, dishonest, or corrupt act which is
14 substantially related to the qualifications, functions, or duties of a physical
15 therapist or physical therapy assistant.”

16 6. Section 2661.5, subdivision (a) of the Code states:

17 “In any order issued in resolution of a disciplinary proceeding before the board,
18 the board may request the administrative law judge to direct any licensee found guilty of
19 unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of
20 the investigation and prosecution of the case.”

21 **CAUSE FOR DISCIPLINE**

22 (Commission of Fraudulent, Dishonest, or Corrupt Act)
[Bus. & Prof. Code, § 2660, subd. (l)]

23 7. Respondent is subject to disciplinary action under section 2660,
24 subdivision (l) of the Code in that he engaged in the commission of fraudulent, dishonest, or
25 corrupt acts. The circumstances are as follows:

26 8. Respondent was employed by Mercy Medical Center, located in Redding,
27 California, as the Director of Physical Therapy from June 2004 through April 2005. Respondent
28 resigned from his position at the hospital after it was discovered that he had altered the billable

units in the records of ten (10) Medi-Cal patients.

9. In or about 2004 through 2005, Respondent altered the billable units in the physical therapy records of ten (10) Medi-Cal patients as follows:

Patient	Date(s)	Time	Duration	Units Billed	Units Altered
V.L.	12/15/04	1430	30 minutes	2	3
	12/16/04	1055	30 minutes	2	3
	12/28/04	1130	30 minutes	2	3
	12/29/04		30 minutes	2	3
G.S.	12/06/04	1145	30 minutes	2	3
	12/09/04	1145	30 minutes	2	3
B.C.	12/26/04	1340	30 minutes	2	3
	12/27/04	1630	30 minutes	2	3
	12/28/04	1130	30 minutes	2	3
	01/01/05	1430	30 minutes	2	3
	01/04/05	1400	30 minutes	2	3
	01/05/05	1715	30 minutes	2	3
F.M.	12/26/04	1015	30 minutes	2	3
	12/29/04	0900	30 minutes	2	3
	12/28/04	1130	30 minutes	2	3
	12/30/04	1530	30 minutes	2	3
	01/04/05	0830	30 minutes	2	3
	01/05/05	0900	30 minutes	2	3
S.W.	12/30/04	1600	30 minutes	2	3
	01/03/05	0940	30 minutes	2	3
	01/05/05	0830	30 minutes	2	3
E.R.	12/31/04	0900	30 minutes	2	3
	01/01/05	1400	30 minutes	2	3
	01/04/05	0840	30 minutes	2	3
C.L.	01/04/05	0930	30 minutes	2	3
	01/05/05	0800	30 minutes	2	3
J.P.	01/04/05	0815	30 minutes	2	3
	01/06/05	0930	30 minutes	2	3
D.M.	01/09/05	1815	30 minutes	2	3
	01/10/05	0850	30 minutes	2	3
	01/11/05	1200	30 minutes	2	3
	01/12/05	1200	30 minutes	2	3
N.M.	04/04/05	1030	30 minutes	2	3

10. One unit equals fifteen (15) minutes of billable time of physical therapy. Each physical therapy procedure was assigned a set amount of units, and patients were billed according to the amount of units that were provided. The physical therapist providing the service

1 was responsible for documenting in the progress notes the time billed and the services rendered.

2 11. On April 18, 2005, Respondent admitted to altering the patient records by
3 changing the billable units from two (2) to three (3). Respondent explained that he had “used
4 bad judgement.”

5 12. On May 26, 2006, Respondent further admitted that he had altered the
6 billing units to improve his department statistics and out of frustration with his “under low
7 performing therapists.” He explained that he made the changes while the secretary was gone.

8 13. The above described conduct constitutes the commission of fraudulent,
9 dishonest, or corrupt acts in violation of section 2660, subdivision (l).

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein
12 alleged, and that following the hearing, the Physical Therapy Board of California issue a
13 decision:

14 1. Revoking or suspending Physical Therapist License No. PT 18444, issued
15 to Scott Jeffrey Brown;

16 2. Ordering Scott Jeffrey Brown to pay the Physical Therapy Board of
17 California the reasonable costs of the investigation and enforcement of this case, pursuant to
18 Business and Professions Code section 2661.3;

19 3. Taking such other and further action as deemed necessary and proper.

20 DATED: March 19, 2007

21
22
23 Original Signed By:
24 STEVEN K. HARTZELL
25 Executive Officer
26 Physical Therapy Board of California
27 State of California
28 Complainant